Section 4(2)(b)(iii) of the Ordinance. In consequence he is now estopped from saying or attempting to prove otherwise.

There will therefore be an Order in terms of Prayer (1) of the Originating Summons and an Order also for rectification of the Register of Deeds by cancellation of the notice endorsed thereon, dated the 26th September 1949. The Applicants having succeeded the Respondent must pay the costs of these proceedings, on the Higher Scale.

Orders accordingly.

IDA FERNANDEZ (M. W.) v. M. MURUGIAH.

[App. Civ. Juris. (Murray-Aynsley, C. J.) March 16, 1950]

[Singapore — District Court Appeal No. 3 of 1950]

Landlord and Tenant — Control of Rent Ordinance, 1947, ss. 16(a) and 17(b) — Statutory tenancy — Notice to quit — When necessary.

This was an appeal from the Civil District Court. A recent judgment of the said District Court in **Hodge** v. Parrish (1) (a copy of the judgment was annexed with the proceedings and formed part of the record of this appeal) decided that a tenant who remains in possession of premises let to him after the determination of his tenancy and who cannot be ejected "by the private action of the landlord without the aid of the Court" was a "statutory tenant" within the meaning of section 16 (a) of the Control of Rent Ordinance, 1947, and that the effect of section 17 (b) of the said Ordinance was "to make it encumbent on the landlord to determine the statutory tenancy before applying to the Court for recovery of possession". The words in parenthesis appear in the District Court's written judgment in **Hodge** v. **Parrish, supra.**

The facts in this case were similar to those in **Hodge** v. **Parrish.** The appellant appealed against the decision of the learned District Judge.

Held, (1) that section 16 (a) of the Control of Rent Ordinance 1947 is complete in itself and it was not necessary to add the words "by his private action without the aid of the Court" in order to construe it and (2) that if at the moment when the contractual tenancy is determined the case falls within one of the exceptions set out in section 14 of the Control of Rent Ordinance, 1947, the landlord is not prevented from obtaining possession by the provisions of the Ordinance and therefore the tenant does not become a "statutory tenant" and it is not necessary to serve a second notice to quit on him.

Case referred to:—

(1) *Hodge v. Parrish* (1950) M.L.J. iii.

APPEAL from Civil District Court.

K. Gould for the Appellant.

Mark Morrison for the Respondent.

Cur. Adv. Vult.

Murray-Aynsley, C. J. : — In this case the short point relates to the effect of a notice to quit given to a person who is not protected by section 14 of Ordinance No. 25 of 1947.

If he is protected he becomes a statutory tenant by section 16. In my opinion, unless he is so protected, he does not become a statutory tenant. If it were otherwise it would never be possible to terminate a statutory tenancy by notice, as the effect of notice would merely be to create another statutory tenancy.

The only way in which a landlord is prevented by the Ordinance from depriving the tenant of possession is section 14. If the case falls within one of the exceptions the landlord is not prevented from obtaining possession by the provisions of the Ordinance. Therefore, in such a case, there is no question of statutory tenancy.

Whether the case falls within one of the exceptions or not depends on the state of facts at the moment when the previous tenancy is determined.

I do not think it is necessary to add any words in order to construe section 14(1) as has been done by the learned District Judge.

Appeal allowed.